

District II Advisory Board Minutes

August 1, 2005

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The District II Advisory Board meeting was held at 7:00 p.m. at the Rockwell Branch Library, 5939 E. 9th Street North. Eight board members, eight staff and approximately fifteen citizens were in attendance. Only those individuals who signed in are listed as guests below.

Members Present

Brian Carduff
Daryl Crotts
Larry Frutiger
Tim Goodpasture
Matt Hesse
Joe Johnson
David Mollhagen
Marty Weeks
Council Member Sue Schlapp

*Youth Representative

Members Absent

Sarah Devries
Ray Frederick
Phil Ryan
Dane Saksa*
Kaci Tucker*

Staff Present

Lt. Bannister, Patrol East
Officer Gallagher, Patrol East
Kelli Glassman, Neighborhood Assistant
Donna Goltry, Planning
Officer Parker, Patrol North
Capt. Doug Pickard

Guests

Mr. Greg Barker
Mr. John Brown
Mr. John Kent

ORDER OF BUSINESS

CALL TO ORDER

The meeting was called to order at 7:02 p.m.

APPROVAL OF MINUTES AND AGENDA

The agenda for August 1, 2005 was approved (Goodpasture: Weeks, 8-0):

The meeting minutes for July 11, 2005 were approved as submitted (Weeks: Mollhagen, 8-0)

PUBLIC AGENDA

1. Scheduled items

No items submitted.

2. Off-agenda items

Captain Doug Pickard, Fire Department, addressed the Board regarding the importance of location of fire stations in order to have response times of five minutes or less. Mr. Pickard stated that a five-minute response time is necessary in order for someone to receive optimal medical attention. The Board thanked Mr. Pickard for his time.

NEW BUSINESS

3. Community Police Report

Officer Gallagher, Patrol East, reported that there has been an increase in auto larcenies, so flyers have been distributed to apartment complexes educating them on this manner.

On site construction burglaries have also remained steady, so police are working with the Wichita Area Builders Association (WABA) to educate contractors about this. Most of these burglaries are contractors stealing from each other as a result of doors and garages being unlocked.

A guide for a safer Wichita is also being distributed to residents moving into certain areas.

There have been 400 citations written at high accident intersections as a result of increased traffic enforcement.

Officer Parker, Patrol North, reported that National Night Out is August 2.

The Board thanked Officers Gallagher and Parker for their presentations.

Action Taken: Received and filed.

4. Noise Ordinance Education and Enforcement

Lt. Bannister, Police, made a presentation on the new efforts to educate the public about the City's noise ordinance. He explained that due to an increase in citizen complaints, police are stepping up enforcement of City Ordinance 11.38.380 that prohibits loud music that others can hear from more than 50 feet away from your car. In 2004, there were 14 arrests for noise violations citywide. There have been 16 arrests for noise violations so far this year.

Lt. Bannister further explained that it is difficult to enforce this ordinance due to the reluctance of the complainant to file an official complaint, although OCI and Environmental Health do have the authority to issue noise violation citations and have noise meters to verify a citizen's compliance with the ordinance.

Action Taken: Received and filed.

5. CUP2005-00030 and ZON2005-00027

Donna Goltry, Planning presented this item to the Board. The applicant, B & A Partnership, Lindy Andeel and Dave Bayouth, Partners (owner); Natures Plant Shop, LC (Nature's Way) c/o John Brown (lessee), requests a conditional use to expand an existing nursery and garden center business, Nature's Way, westward to Bonnie Brae Street from its current operation on the north side of Kellogg Drive and west of Gypsum Creek. The property is zoned "LC" Limited Commercial. The existing Conditional Use (CON2003-00030) was approved for the adjoining property two years ago. It has a retail building plus some outdoor display area and parking spaces to the east and north of the building. Nature's Way was relocated to this site due to acquisition of its former site by the City of Wichita for Kellogg freeway construction.

The expansion would include an outdoor display and storage/work area to the west of the retail building, additional parking and an additional smaller building. According to the lessee, the second building could be used for indoor storage or perhaps leased to another tenant for retail or restaurant uses. The leasing to another tenant would be an allowable use with the current "LC" zoning so long as adequate parking spaces for the additional use was available, and so long as Nature's Way had adequate display/storage space on the remaining property.

Ms. Goltry described the request and responded to questions. Citizens in attendance were given the opportunity to express their concerns.

Greg Barker, President of Bonnie Brae Neighborhood Association, expressed several concerns with the current condition of the Nature's Way property:

- Parking lights shine into adjacent residences
- The outdoor loud speaker system is too loud and sometimes plays at all hours of the night
- Litter and trash is placed back against the property line and the dumpster is against the fence
- Uncut weeds
- Dust and potholes on the property

Mr. Barker stated that he would like to see these issues resolved before the conditional use is approved.

In response to these concerns, it was stated by the applicant and **Ms. Goltry** that some of these issues are a result of the delayed construction on Kellogg and that the applicant would like to work in cooperation to address these concerns.

Based upon information available prior to the public hearings, MAPD staff recommends that the conditional use be approved subject to the following conditions:

1. The seasonal nursery and garden center shall conform to all requirements of Section III-D.6.z. of the Unified Zoning Code, except that a setback of 20 feet for the fenced outdoor display area shall be allowed along Kellogg Drive.
2. A revised site plan shall be prepared to designate a single row of parking along the northern property line and an outdoor display/storage area extending from the building and display/storage on CON2003-00030 west to about 65 feet east of the existing vacant building, and a double row of parking located between the display/storage area and the vacant building.

3. The area devoted to outdoor display/storage shall be screened from the adjoining residential neighborhood with a solid fence in compliance with the UZC screening standards (Art. IV, Sec. IV-3) at least six but not more than eight feet in height along the northern property line, and shall be enclosed within the wrought iron fenced area designated on the approved site plan. No materials except live plants and garden ornaments such as trellises that exceed this height shall be stored higher than the height of the screening fence, and the outdoor storage area shall be screened from view of Kellogg Drive. Pots, timbers, mulch, rock materials and similar non-living materials shall not be stored higher than the height of the fence and shall not be stored in the parking spaces.
4. Trash receptacles shall not be located closer than 20 feet to the north property line.
5. Lighting standards shall be limited to 14 feet in height including poles, fixtures and base within 100 feet of the north property line.
6. No trailers or portable storage containers shall be stored in the parking spaces along the northern property line or in violation of the outdoor display and storage regulations for the "LC" Limited Commercial zoning district.
7. The applicant shall obtain all applicable permits, including but not limited to: building, health, and zoning.
8. The site shall be developed in general conformance with the approved site plan.
9. A landscape plan shall be submitted to comply with the Landscape Ordinance within 60 days of approval of the Conditional Use. Installation of landscaping shall be completed within 180 days of approval of the Conditional Use on the north property line and within 180 days of approval of the Conditional Use or completion of the Kellogg freeway construction project on the south property line.
10. Construction of other improvements shall be completed within one year of approval by the appropriate governing body.
11. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VII hereof, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

Action Taken: Recommend that CON2005-28 be approved subject to the conditions recommended by MAPD staff and subject to satisfactory resolution of issues and concerns noted by the Bonnie Brae Neighborhood Association. The Board further requested a progress report on the resolution of these concerns at the next meeting. Motion passed (Crotts:Hesse, 8-0).

OTHER BUSINESS

6. No other items were discussed.

BOARD AGENDA

7. Updates, Issues, and Reports

No items were submitted.

8. **With no further business, the meeting adjourned at 8:25 p.m.**

The **next DAB II meeting** will be **September 19, 2005** at the Rockwell Branch Library.